

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jennifer Warren	Team: Team # 4	CCRB Case #: 200207663	<input checked="" type="checkbox"/> Force <input type="checkbox"/> Discourt. <input type="checkbox"/> U.S. <input checked="" type="checkbox"/> Abuse <input type="checkbox"/> O.L. <input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 11/07/2002 1:30 AM	Location of Incident: § 87(2)(b)	18 Mo. SOL 5/7/2004	Precinct: 42
Date/Time CV Reported Thu, 11/07/2002 9:25 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 11/14/2002 2:11 PM

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Michael Goldreyer	28344	925359	PSA 7
2. POM Anthony Demonte	19559	925184	PSA 7
3. SSA Edward Fackler	03782	913213	PSA 7
4. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Alex Otero	08921	917029	PSA 7
2. POM Harold Thompson	08877	913348	PSA 7

Officer(s)	Allegation	Investigator Recommendation
A . POM Anthony Demonte	Abuse of Authority: P.O. Anthony Demonte entered § 87(2)(b)	A . § 87(2)(g)
B . POM Anthony Demonte	Force: Anthony Demonte used physical force against § 87(2)(b)	B . § 87(2)(g)
C . POM Michael Goldreyer	Force: P.O. Michael Goldreyer used physical force against § 87(2)(b)	C . § 87(2)(g)
D . POM Michael Goldreyer	Abuse of Authority: P.O. Michael Goldreyer threatened § 87(2)(b) with the use of force.	D . § 87(2)(g)
E . POM Anthony Demonte	Force: P.O. Anthony Demonte used a chokehold against § 87(2)(b)	E . § 87(2)(g)
F . SSA Edward Fackler	Abuse of Authority: Sgt. Edward Fackler entered and searched § 87(2)(b)	F . § 87(2)(g)
G . An officer	Abuse of Authority: An officer threatened to notify the Housing Authority	G . § 87(2)(g)

Officer(s)	Allegation	Investigator Recommendation
H . POM Michael Goldreyer	Other: P.O. Michael Goldreyer provided a false official statement when he stated that he, not his partner, entered the apartment to procure § 87(2)(b)	H . § 87(2)(g)

### Synopsis

On November 7, 2002, at approximately 1:30 a.m., at § 87(2)(b) the Bronx, Police Officers Anthony Demonte and Michael Goldreyer encountered § 87(2)(b) speaking with § 87(2)(b) by her apartment door on the § 87(2)(b) floor. P.O. Demonte, who assisted with an arrest of § 87(2)(b) the previous week at the same location, called § 87(2)(b) by name and summoned him to come toward him. Instead, § 87(2)(b) and § 87(2)(b) began to enter § 87(2)(b) apartment. § 87(2)(b), § 87(2)(g)

The officers pulled § 87(2)(b) outside of the apartment and into the hallway where he was placed on the floor and handcuffed by P.O. Demonte and P.O. Goldreyer. § 87(2)(b), § 87(2)(g)

While § 87(2)(b) has stated that P.O. Demonte pressed his forearm repeatedly against his throat obstructing his ability to breath, § 87(2)(g)

Following the arrest, officers, lead by Sgt. Fackler searched the apartment, § 87(2)(g). Following the incident, § 87(2)(b) refused to press charges against § 87(2)(b) for trespassing. § 87(2)(b), § 87(2)(g)

§ 87(2)(b) then executed a complaint § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

### Summary of Complaint

On November 7<sup>th</sup>, at 11:04 a.m., § 87(2)(b) phoned the Internal Affairs Bureau to file a complaint that officers arrested her son without just cause. She stated that the unidentified officers “bumrushed” her son in a neighbor’s § 87(2)(b) floor apartment and “body slammed” him which resulted in blood coming from his ear (enclosures nos. 5 and 7). On November 7<sup>th</sup>, the night of the incident, § 87(2)(b) was interviewed by Dt. Mildred Cooper and Dt. Zachary Jackson of the Internal Affairs Bureau - Group 54. § 87(2)(b) stated that at the time of the incident he was speaking with § 87(2)(b) when officers came onto the floor. He and § 87(2)(b) began to enter her apartment. P.O. Demonte – whom he identified by his name plate -- told him to “come here.” He turned around from inside the apartment, in the doorway, and asked, “for what?” § 87(2)(b) stated to the officers that they had arrested him the week before but that he “beat that” and was “home now.” § 87(2)(b) asked P.O. Demonte what he had done wrong this time and why they were “messing” with him. P.O. Demonte “grabbed” § 87(2)(b) by his leather jacket and attempted to pull him out of the apartment. § 87(2)(b) told P.O. Demonte to get off of him. P.O. Demonte then began “punching me in my face” an estimated six or seven times. § 87(2)(b) said he heard the other officers react when they saw the punching and commented that it was, “Wrong. Why y’all doin that?” § 87(2)(b) was pushed out of the apartment by four officers, once outside he was forced to the ground by the unidentified officer at which point P.O. Demonte’s partner – P.O. Goldreyer – placed his knee on the back of § 87(2)(b) s neck and stated, ““You punk mother fucker, don’t move. I’ll beat the shit out of you. I’ll beat your ass right now if you move.”” P.O. Goldreyer then instructed him to put his other hand behind his back. § 87(2)(b) complied. He was handcuffed and P.O. Demonte then lifted him

up and placed his back to the wall, near the elevator. P.O. Damonte placed his elbow against § 87(2)(b)'s throat, obstructed his breathing and said, "You're gonna do what? What are you gonna do?" § 87(2)(b) told him "Watch, Watch." He said, "Watch what?" Damonte placed his elbow against § 87(2)(b)'s throat a second time. An officer, whom § 87(2)(b) identified as P.O. Otero, watched but did not intervene. When the officers removed § 87(2)(b) to the lobby of the building, § 87(2)(b) spit out his gum which landed "by mistake" on P.O. Demonte. P.O. Demonte then struck § 87(2)(b) in the face. He was then removed to PSA 7<sup>th</sup> stationhouse (enclosure no. 6). The complaint was forwarded to the CCRB and received on November 14<sup>th</sup>.

On November 25, 2002, § 87(2)(b) was interviewed at the CCRB. § 87(2)(g)

§ 87(2)(b) was with a group of friends when he saw approximately six officers in uniform walking towards him. He and § 87(2)(b) headed towards her apartment as P.O. Demonte -- whom § 87(2)(b) recognized from his arrest the week prior -- called out to him by name. § 87(2)(b) continued to proceed into the apartment. P.O. Demonte who was in the hallway by the door grabbed § 87(2)(b) by his jacket and attempted to pull him into the hallway. § 87(2)(b) pulled away from P.O. Demonte and retreated into the apartment at which point P.O. Demonte pursued § 87(2)(b) into the apartment (Allegation A). § 87(2)(b) buttressed himself against the bathroom door jam while P.O. Demonte attempted to pull him off the door and outside of the apartment. P.O. Demonte then struck § 87(2)(b) three times on the right side of his face between his cheek and jawbone (Allegation B). When § 87(2)(b) raised his arm to shield his face, he was pushed out of the apartment by three uniformed officers who were assisting P.O. Demonte. When they arrived at the front door, § 87(2)(b) attempted to buttress himself against the doorframe to prevent his exit. P.O. Demonte again punched him three times on the right side of his face. § 87(2)(b) loosened his grip from the doorframe and was pushed out of the apartment by all four officers. Once outside in the hallway, approximately six officers brought § 87(2)(b) to the ground. He could not see which officers did this because they were behind him. The partner of P.O. Demonte -- who was later identified as P.O. Goldreyer -- approached § 87(2)(b) placed his knee on the back of his neck, and stated, "Shut the fuck up, § 87(2)(b) I'll fuckin' break your neck right now you punk mother fucker" (Allegation C). P.O. Goldreyer then pulled § 87(2)(b)'s arms behind his back and placed the handcuffs on § 87(2)(b). P.O. Demonte pulled § 87(2)(b) up from the ground to a standing position and placed him with his back to the hallway wall. P.O. Demonte pressed his left forearm against § 87(2)(b)'s neck, restricting his breathing (Allegation D), and stated, "Yeah, you ain't so tough now. Didn't I just tell you to shut the fuck up? What are you gonna do?" § 87(2)(b) told P.O. Demonte to, "Watch." P.O. Demonte then pressed his forearm against § 87(2)(b)'s neck a second time. § 87(2)(b)'s mother arrived on the floor and an argument ensued between she and P.O. Demonte. § 87(2)(b) was brought downstairs to the lobby where people were gathering. § 87(2)(b) stated that the argument between § 87(2)(b) and P.O. Demonte continued and P.O. Demonte said, "Will someone please get her fucking ass away from me." The scene was becoming more volatile so § 87(2)(b) instructed his family to return upstairs and not to get involved. He was then removed from the building and brought to PSA 7 (enclosure no. 9).

### Results of Investigation

**First witness-victim statement of** § 87(2)(b)

§ 87(2)(b) resides at § 87(2)(b) the apartment where the incident occurred. § 87(2)(b) was interviewed by the CCRB on April 10, 2003 at § 87(2)(b) in the Bronx. § 87(2)(b) stated that on the night of the incident she and § 87(2)(b) were having a quiet conversation outside of her apartment door. When officers arrived on the floor, she and § 87(2)(b) began to enter her apartment. A tall, white, large-build officer with brown hair repeatedly called § 87(2)(b) by name and asked him to "come here." § 87(2)(b) instead, entered the apartment. § 87(2)(b) told § 87(2)(b) that the officer was calling him. § 87(2)(b) told her to "close the door." The door remained open. "By the time § 87(2)(b) was [able] to even do anything, the man just barged in." The officer was first standing at the door trying to reach § 87(2)(b) without actually entering. He then just "came all the way in." The officer "pushed his way into the house" and then "grabbed § 87(2)(b) by his coat. Right here by the bathroom. Once he did that, that's when all the police officers came in here." The officers "kept pulling him" in an attempt to get § 87(2)(b) out of the apartment. Approximately four or five officers entered the apartment. When they entered, § 87(2)(b) went into the kitchen where her view of the apartment hallway

and two bathrooms were obscured. § 87(2)(b) heard sounds of a struggle, banging in the apartment hallway and feet scuffing the floor. She heard § 87(2)(b) say, “What did I do?” and “Get off of me.” She heard the officers curse, and say, “get the fuck up” and “you’re under arrest.” She heard her grandmother come out of her bedroom in the middle of the incident and ask what was happening. It took approximately two minutes for the officers to remove § 87(2)(b) from the apartment. After the scuffle with the officers, § 87(2)(b) said that she believed she saw a little blood on § 87(2)(b)’s face, possibly on his lip. (Enclosure no. 10.)

**Second witness-victim statement of § 87(2)(b)**

§ 87(2)(b) was interviewed for a second time on July 16, 2003 at § 87(2)(b). During the second interview, however, she further clarified the entry details of § 87(2)(b) and the subject officer – identified as P.O. Demonte. When § 87(2)(b) first saw the officers she and § 87(2)(b) were standing in the hallway by her door. P.O. Demonte was at the end of the hallway, approximately 20 to 30 feet away. When the officer called § 87(2)(b)’s name, § 87(2)(b) and § 87(2)(b) “went half way in.” § 87(2)(b) was, “kind of inside the house.” She said they stepped inside because they were standing right there. They did not “run.” The officer asked again for § 87(2)(b) to “come here.” When § 87(2)(b) did not approach the officer, “the cops came in and grabbed him from out my house.” She stated that she did, in fact, tell § 87(2)(b) that he shouldn’t be in the apartment because it was her grandmother’s house and she would get upset. However, she said they were both inside the apartment at this point and out of earshot of the officer who was “walking down the hall.” § 87(2)(b) said did not physically block § 87(2)(b) from entering the apartment by placing her arm in front of him. She stated that she entered with him. It was only after they were inside that she told him to “go see” the officer. “He [the officer] reached in the house and tried to grab § 87(2)(b). He had a little struggle trying to pull § 87(2)(b). They end up between the door and the bathroom. Like I said, I came back in the kitchen. I let the door go when I seen all the officers came in.” § 87(2)(b) said that the officers did not ask her permission to enter before coming into her apartment, nor did they ask her whether or not she wanted § 87(2)(b) in her apartment. “They didn’t ask me no questions. They didn’t say nothing to me. They never told me they had any type of warrant or nothing.” After § 87(2)(b) was removed from the apartment, a white officer with blond hair – later, positively identified in a photo array as P.O. Goldreyer – spoke with § 87(2)(b)’s grandmother, § 87(2)(b). § 87(2)(b) did not recognize P.O. Goldreyer as one of the officers who entered the apartment to subdue § 87(2)(b).

When § 87(2)(b) was told that the officers stated she pressed charges against § 87(2)(b), § 87(2)(b) spontaneously offered the following narrative: “Oh no. Okay, this is what happened. They threatened -- they told my grandmother that she could get kicked out. They told her that she could get kicked out because something about drugs and they could go to the housing court and get her kicked out. So I told them that he just came in this house on his own. He never came in this house on his own. We was going in. I only said that so I would save my butt. You know what I’m saying. Trying to make a plea with them so they won’t -- ‘cause my grandmother worries about stuff like that. I’m not gonna put her in a predicament like that so she can get kicked out.” Asked if the officers said what would happen if she did not sign the complaint, § 87(2)(b) said, “No, he said that if we had something to do with it, if we let him in, or anything, he can go to the housing court and tell them that we -- some type of drug, something with drugs -- and the judge will get us kicked out of the project. So, that’s what he said. He told my grandmother that he was going to go to the housing court.” § 87(2)(b) started to cry at this point and then offered the officers the false statement that § 87(2)(b) entered without her permission. She signed a complaint including her name, address and telephone number. There were two officers speaking with she and her grandmother about § 87(2)(b)’s entry into the apartment. One had “spiky blond hair” and was in his early 30s – identified in the photo array as P.O. Goldreyer. The other, who raised the issue of the housing court was “white, older, 5’8”, thin, brown hair, with glasses, approximately 35 years. § 87(2)(b) allowed him to go into the back of the apartment to search for drugs. (Enclosure no. 11.)

**Witness-victim Statement – § 87(2)(b)**

§ 87(2)(b) the § 87(2)(b) grandmother of § 87(2)(b) resides at § 87(2)(b) in § 87(2)(b). § 87(2)(b) was interviewed by the CCRB on April 10, 2003 at § 87(2)(b). § 87(2)(b) stated that on the night of the incident she was reading in her room when she heard noises outside of her bedroom. She opened her door and saw, “four pairs of blue pants standing over a pair of beige pants.” She said the four officers were in the process of arresting § 87(2)(b) and that there were

two additional officers standing in the doorway of the apartment. The officers and § 87(2)(b) were struggling in the hallway inside of the apartment. One officer instructed § 87(2)(b) to return to her room, and she complied. After § 87(2)(b) was subdued by the officers, he was on the floor face down with the officers on top of him. The officers took § 87(2)(b) outside the apartment and placed him against the wall. One officer was on each side of him, and one officer was directly in back putting handcuffs on § 87(2)(b). The officers came back and said they had to search the apartment for guns or drugs, because § 87(2)(b) was a known drug dealer. The officers did not ask § 87(2)(b) for permission, but just “came right in.” They searched the bedrooms. The officers then told § 87(2)(b) to press charges against § 87(2)(b) for breaking and entering. § 87(2)(b) said that since she was the one who paid for the apartment, they should ask her, not tell her, to press charges. When the officers asked her to press charges against § 87(2)(b), § 87(2)(b) refused, saying that § 87(2)(b) had not broken in, and that the door had been open. (Enclosure no. 12).

### ***Officer Identification***

The subject officers, P.O. Demonte and P.O. Goldreyer were identified by the Internal Affairs Bureau (see enclosure no. 5). P.O. Demonte was identified by the victim, § 87(2)(b) by name after seeing P.O. Demonte’s name on his name plate during their interaction (enclosure no. 9). P.O. Goldreyer was identified by § 87(2)(b) in a photo array as 99% certain that this was one of the officers who spoke with she and her grandmother, § 87(2)(b) following the arrest (enclosure no 11). Witness officer, P.O. Alex Otero was identified by name by § 87(2)(b) (enclosure no. 6) and was identified on the IAB log (enclosure no. 5).

### ***P.O. Harold Thompson’s Memo Book Entries***

P.O. Thompson’s memo book entry for November 7, 2002 indicated that at 01:00 a verticle sweep was taking place at § 87(2)(b). At 1:20 Police Officers Demonte and Goldreyer had one person under arrest on the § 87(2)(b) floor. “Defendant was wrestling with officers refusing to be cuffed.” 01:22 an additional unit was requested for a large disorderly crowd that was forming in the lobby. 01:50 return to patrol from § 87(2)(b). An arrest was made. (Enclosure no. 13.)

### ***Witness Officer Statement – Arresting Officer, P.O. Harold Thompson***

P.O. Harold Thompson was interviewed by the CCRB on March 20, 2003. P.O. Thompson stated that he and his partner, Sgt. Edward Fackler were outside of the building, off site when they received a call over their point-to-point radio stating, “Up to the § 87(2)(b) floor. Get up here to the § 87(2)(b) floor.” He was unsure whether it was P.O. Goldreyer or P.O. Demonte who made the call. When he and Sgt. Fackler arrived on the § 87(2)(b) floor, he observed that P.O. Demonte was holding a handcuffed § 87(2)(b) against the wall, his face to the wall. § 87(2)(b) was “yelling and screaming and struggling a bit.” At the time, P.O. Goldreyer was talking to the residents of the apartment. At the scene, he overheard the officers’ account of events as they briefed his partner, Sgt. Fackler. People started coming out of the stairway so Sgt. Fackler said, “let’s get him down to the car and get him off the hallway.” P.O. Thompson then escorted § 87(2)(b) downstairs to the lobby. Officers Demonte and Goldreyer stated that § 87(2)(b) “busted in the door.” They chased him into the apartment a couple of feet, “grabbed him” and then “hauled him out.” P.O. Thompson was under the impression that both officers entered the apartment and apprehended § 87(2)(b). P.O. Thompson stated that § 87(2)(b) did not “articulate” to him that he had any injuries. When asked if he observed injuries on § 87(2)(b), P.O. Thompson answered § 87(2)(g) “I didn’t see any.” (Enclosure no. 14.)

### ***Sgt. Edward Fackler’s Memo Book Entries***

Sgt. Fackler’s memo book entry for November 7, 2002 indicates that at 01:00 hours a vertical sweep was being conducted at § 87(2)(b). At 01:20 hours one under by P.O. Goldreyer. Male black § 87(2)(b) § 87(2)(a) 160.50 § 87(2)(b) 01:30 investigation in § 87(2)(b) victim-complainant § 87(2)(b), § 87(2)(b), female, black, § 87(2)(b). 01:50 return to patrol. (Enclosure no. 15.)

### ***First Statement of Witness Officer – Supervising Officer, Sgt. Edward Fackler***

Sgt. Edward Fackler was interviewed by the CCRB on May 16, 2003. Sgt. Fackler stated that he and his partner P.O. Thompson arrived on the scene subsequent to a point-to-point radio call, “Come up to the § 87(2)(b) floor. § 87(2)(b) floor.” When they arrived on the floor, he observed P.O. Demonte and P.O.

Goldreyer with § 87(2)(b) handcuffed against the wall, his face to the wall. § 87(2)(b) was kicking, spitting, yelling and calling for his mother. He was trying to “push off the wall.” P.O. Demonte and P.O. Goldreyer were on either side of him attempting to restrain him, with each officer holding one of his arms. They were trying to keep his movements to a minimum. He instructed the officers to take § 87(2)(b) downstairs. He believes P.O. Thompson assisted. Sgt. Fackler did not observe P.O. Demonte or P.O. Goldreyer strike or punch § 87(2)(b). Nor did he witness P.O. Demonte place his knee on the back of § 87(2)(b)'s neck. Sgt. Fackler also did not witness either officer tell § 87(2)(b) to “shut the fuck up.” Sgt. Fackler said he was not present when § 87(2)(b) allegedly spit on one of his officers. After § 87(2)(b) was removed from the § 87(2)(b) floor, Sgt. Fackler entered the apartment to speak with § 87(2)(b). She indicated to him that § 87(2)(b) did not have any right to be in the apartment and that she wanted to press charges. Sgt. Fackler said § 87(2)(b) signed the District Attorney’s complaint. There was also an elderly lady in the apartment. “We left her out of it. She was frazzled as it was.” The members of his team in addition to his partner P.O. Harold Thompson were P.O. Anthony Demonte, P.O. Michael Goldreyer, P.O. Alex Otero, P.O. Luis Garcia, P.O. Vincent Commisso and P.O. Dennis Koesterer. (Enclosure no. 16.)

***Second Statement of Witness Officer– Supervising Officer, Sgt. Edward Fackler***

Sgt. Edward Fackler was interviewed by the CCRB a second time on July 29, 2003. Sgt. Fackler listened to excerpts from his first interview pertaining to his conversation with § 87(2)(b) regarding pressing charges against § 87(2)(b). Sgt. Fackler was asked if he spoke with § 87(2)(b) the grandmother. Sgt. Fackler paused for 3.5 seconds and then stated that he did speak with the grandmother. He then stated that he did not recall what he said to her or the content of their conversation. Sgt. Fackler stated that if he was going to discuss § 87(2)(b) he would need to listen to the first interview tape a second time. The option was offered to him but he declined, stating that he did not recall speaking with § 87(2)(b) or having a conversation “of any length” with her. He merely noticed her presence there. He stated that he spoke with § 87(2)(b) “that’s who my conversation was with.” He stated that he asked § 87(2)(b) what had occurred that night. She informed him that § 87(2)(b) whom, she stated, they all knew to be a drug dealer, “pushed” his way into the apartment and she wanted him to stop doing that. Sgt. Fackler told § 87(2)(b) that he “understood her predicament” and told her that the only way to prevent him from forcing his way into the apartment was if she filed a criminal complaint against him. Sgt. Fackler asked her if she wanted to file the complaint, she said, “yes, I do.” Sgt. Fackler stated that § 87(2)(b) did not initially express a lack of interest in signing the complaint or pressing charges, “Not to me. No.” He said he asked her, “‘You want to make a complaint against this guy or not? You know,’ I says, ‘We only can do our job as far as the good tenants of the building will let us. If you sign it, he’s gonna get the message that he’s not allowed in this apartment.’” He said no one else was present at the time he discussed the matter with § 87(2)(b). He also stated that he was the ranking officer at the scene and that the “better part” of the conversation with § 87(2)(b) was conducted with him. To his knowledge there were no sustained conversations between § 87(2)(b) and his subordinates. (Enclosure no. 17.)

***Witness Officer Statement – P.O. Alex Otero***

P.O. Alex Otero was interviewed on August 12, 2003. P.O. Otero stated that he was working with P.O. Dennis Koesterer. Also on the team at § 87(2)(b) that night was Sgt. Fackler, P.O. Thompson, P.O. Goldreyer and P.O. Demonte. The other two from their team, P.O. Commisso and P.O. Garcia were not working. He stated that he and his partner were on the ground floor in the lobby when they received a call on their radio from either P.O. Goldreyer or P.O. Demonte to come to the § 87(2)(b) floor. When he and his partner arrived on the floor he observed to his right § 87(2)(b) in handcuffs being escorted and “prodded” by P.O. Demonte down the hallway towards the elevators. P.O. Goldreyer was also there assisting. The four officers accompanied § 87(2)(b) onto the elevator and went downstairs to the first floor where they encountered Sgt. Fackler and P.O. Thompson. A large crowd was gathering in the lobby and outside of the building protesting § 87(2)(b)'s arrest. § 87(2)(b) was brought to the command base to have his arrest processed. At the base P.O. Otero, who was assisting with the arrest processing, was informed by P.O. Demonte that he, P.O. Demonte, entered the apartment and had a “struggle” with § 87(2)(b) in the apartment and again out in the hallway. P.O. Goldreyer assisted his partner with the arrest afterward in the hallway. P.O. Otero said there was an elderly woman in the hallway of the building when he arrived on the floor, but he did not recall anything further concerning her. P.O. Otero said he did not witness either P.O. Demonte or P.O. Goldreyer strike § 87(2)(b) or speak discourteously towards him.

Nor did he know which officers, if any, were upstairs in § 87(2)(b) apartment speaking to she and her grandmother and searching the apartment. (Enclosure no. 18.)

***P.O. Anthony Demonte's Memo Book Entries***

P.O. Demonte's memo book entry for November 7, 2002 indicated that at 01:00 hours a vertical sweep was conducted at § 87(2)(b). At 01:20 92 an arrest was made by P.O. Goldreyer. § 87(2)(a) 160.50  
Male black was identified as § 87(2)(b), § 87(2)(b), § 87(2)(a) 160.50  
Perpetrator made spontaneous statements that he did not want to get arrested and did not want to go to jail. Perpetrator did not complain of injuries or show physical injuries while in custody. At 01:20, called for back up at the location for a large crowd. At 01:50 returned to patrol from location. At base processed the arrest. At 03:45 male black was transported to Central Booking. 04:15 the male black was transported to the 41<sup>st</sup> Precinct stationhouse for lodging. 04:35 returned to patrol. (Enclosure no. 19.)

***Subject Officer Statement – P.O. Anthony Demonte***

P.O. Anthony Demonte was interviewed by the CCRB on April 10, 2003. P.O. Demonte stated that as he entered onto the § 87(2)(b) floor of § 87(2)(b), he saw § 87(2)(b) and a young woman in an argument by § 87(2)(b) § 87(2)(b). When § 87(2)(b) saw P.O. Demonte, he "pushed" the woman and tried to go into the apartment. The woman told § 87(2)(b) not to go into the apartment. P.O. Demonte's partner – P.O. Goldreyer – then "grabbed him as he was entering the apartment." P.O. Goldreyer pulled him out and then passed § 87(2)(b) to P.O. Demonte. The officers separated § 87(2)(b) and § 87(2)(b) to question them. § 87(2)(b) was not compliant with P.O. Demonte's questions and attempted to leave. P.O. Goldreyer, who had been speaking with the woman, § 87(2)(b) then signaled to P.O. Demonte that § 87(2)(b) was to be placed under arrest. When P.O. Demonte attempted to place § 87(2)(b) in handcuffs § 87(2)(b) yelled, screamed and flailed his arms, refusing to place them behind his back. P.O. Demonte "brought him to the ground" and handcuffed him without any assistance from other officers. P.O. Demonte then lifted him off the ground and placed § 87(2)(b) against the wall, with his back to the wall. § 87(2)(b) "lunged" out at P.O. Demonte, hitting him in the chest and attempting to "get to" his face. P.O. Demonte placed his forearm, midline, across § 87(2)(b)'s chest and "I just pushed him back to the wall in order for him not to come at me." P.O. Demonte said he did not want to give in to § 87(2)(b)'s verbal taunts. § 87(2)(b) called him "cracker" and said, "Why you always doing this to me? Why you always locking me up? You're always harassing me? Come here without a shield." P.O. Demonte and other officers transported § 87(2)(b) downstairs to the lobby. A crowd was forming. § 87(2)(b) became increasingly "irate." § 87(2)(b) spat in P.O. Demonte's face and his gum landed on P.O. Demonte's shoulder. P.O. Demonte passed § 87(2)(b) off to another officer, "because it seemed like his anger was directed mostly at me." P.O. Demonte stated that he did not enter § 87(2)(b) apartment. He stated that he did not strike § 87(2)(b) nor did he see other officers strike § 87(2)(b). P.O. Demonte did not use a choke hold against § 87(2)(b) nor at any point while restraining him did his arm come into contact with § 87(2)(b)'s neck. (Enclosure no. 20.)

***P.O. Michael Goldreyer's Memo Book Entries***

P.O. Goldreyer's memo book entry for November 7, 2002 indicated that at 01:15 hours a vertical sweep was being conducted at § 87(2)(b). At 01:30 hours and arrest was made by P.O. Goldreyer. § 87(2)(a) 160.50  
01:50 arrest processed.  
(Enclosure no. 21.)

***P.O. Michael Goldreyer's Statement to the District Attorney***

The following account was provided by P.O. Michael Goldreyer to the Bronx District Attorney's office on November 7, 2002: "At the time and place of occurrence arresting officer and partner doing a vertical and get up to the § 87(2)(b) floor when arresting officer observes several people on the floor drinking alcoholic beverages. Arresting officer and two other officers approach group and arresting officer's partner walks down the corridor and observes defendant speaking to civilian-witness § 87(2)(b). Defendant



appears startled and attempts to run into complainant's apartment which had the door closed but unlocked. Complainant-witness is surprised by defendant's attempt to run into apartment and attempts to stop defendant from going in. Arresting officer's partner sees complainant-witness struggling with defendant attempting to stop defendant from going into § 87(2)(b) however defendant is able to get in approximately 2-3 steps. Arresting officer informed by partner that he grabs defendant and pulls out of apartment. Arresting officer informed by complainant-witness that she resides at said apartment and despite speaking with defendant, complainant witness did not give defendant permission or authority to go inside apartment. Arresting officer observed defendant struggling with P. swing arms, shoulders and kicking to P2." (Enclosure no. 22.)

#### ***Subject Officer Statement – P.O. Michael Goldreyer***

P.O. Michael Goldreyer was interviewed on April 3, 2003. P.O. Goldreyer stated that when he entered onto the § 87(2)(b) floor of § 87(2)(b) he saw § 87(2)(b) and a young woman in an argument. When § 87(2)(b) noticed P.O. Goldreyer, § 87(2)(b) "attempted to run" into the apartment. The woman had her arm extended and was telling § 87(2)(b) not to enter the apartment. § 87(2)(b) pushed her out of the way and entered the apartment. P.O. Goldreyer took approximately two steps into the apartment, took § 87(2)(b) by the arm and told him to come out into the hallway. He took him out into the hallway where his partner – P.O. Demonte – took him to speak with him while P.O. Goldreyer spoke with § 87(2)(b). § 87(2)(b) told P.O. Goldreyer that she had not given permission to § 87(2)(b) to enter her apartment. P.O. Goldreyer asked her if she wanted him arrested. § 87(2)(b) said yes, at which point § 87(2)(b) was placed under arrest. P.O. Goldreyer stated that prior to P.O. Demonte putting the handcuffs on § 87(2)(b), § 87(2)(b) spat in his partner's face, while they were standing in the hallway, however, he said he did not actually witness the spitting. P.O. Demonte was able to handcuff § 87(2)(b) by himself. § 87(2)(b) was standing throughout the handcuffing process and at no point did other officers assist with the handcuffing. P.O. Goldreyer and P.O. Demonte then called for a second unit – Sgt. Fackler and P.O. Thompson – because there were numerous neighbors coming into the hallway. P.O. Goldreyer said that at no point was § 87(2)(b) on the ground. He does not believe that there was a struggle between P.O. Demonte and § 87(2)(b). P.O. Goldreyer stated that the only physical contact that took place with § 87(2)(b) was when he grabbed § 87(2)(b) and pulled him from the apartment, and when his partner – P.O. Demonte -- placed handcuffs on him. P.O. Goldreyer again stated that § 87(2)(b) was handcuffed by his partner alone. P.O. Goldreyer stated that he never saw any blood on § 87(2)(b) and to his knowledge § 87(2)(b) did not report any injuries. P.O. Goldreyer did not strike § 87(2)(b) nor did he see P.O. Demonte strike § 87(2)(b). Nor did he place his knee on the back of § 87(2)(b)'s neck and call him a "punk motherfucker." (Enclosure no. 23.)

#### ***Police Documents***

##### ***Administrative Roll Call for Command 807-PSA-7***

The administrative roll call was received on January 2, 2003. The roll call indicates that Sgt. Fackler and P.O. Thompson were working and were assigned to car no. § 87(2), P.O. Otero and P.O. Koesterer were assigned to car no. § 87(2), that P.O. Demonte and P.O. Goldreyer were assigned to car no. § 87(2). The roll call also indicates that P.O. Garcia of the Conditions Unit was not present for duty. His absence was signed off on by Sgt. Fackler. The roll call also indicates that P.O. Comisso was not present for duty, however, his absence was not initialized by a supervising officer. (Enclosure no. 24.)

##### ***SPRINT Report***

The SPRINT report was received on January 7, 2003. It indicates that on November 7, 2002 at 01:22 hours a call was placed requesting assistance for crowd control at § 87(2)(b). Units from the 40<sup>th</sup> and 42<sup>nd</sup> Precinct responded at 01:23 and 01:25 a second and third call was placed indicating "no further under control authority housing sergeant" (enclosure no 25).

##### ***Command Log from PSA 7***

The command log was received on January 2, 2003. The log indicated that § 87(2)(b) was brought before the command desk at 01:33 hours. § 87(2)(b) was arrested by P.O. Goldreyer. The charges § 87(2)(a) 160.50 § 87(2)(b) s physical and mental condition was noted as "good." (Enclosure no. 26.)

#### *On Line Booking Sheet*

The On Line Booking Sheet was received on January 2, 2003. The OLBS indicates that § 87(2)(b) was arrested on November 7, 2002 at § 87(2)(b) the Bronx. § 87(2)(a) 160.50

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

The reporting-investigating officer was P.O. Michael Goldreyer. The supervisor who approved the report was Lt. Edward O'Brien. The charges listed were: § 87(2)(a) 160.50

§ 87(2)(b)

The document also indicates that physical force was used to prevent § 87(2)(b)'s escape and that police officers were not injured during the arrest. The arresting officer was P.O. Goldreyer. The supervisor was Lt. O'Brien and the report was entered by P.O. Thompson. (Enclosure no. 27.)

#### *Arrest Photos of § 87(2)(b)*

The arrest photo of § 87(2)(b) taken on November 7, 2002 indicates that there is a scab or abrasion in the middle of his forehead. Also apparent in the arrest photo is blood inside his right ear. (Enclosure no. 28.)

#### *Internal Affairs Bureau Complaint Log*

The Internal Affairs Bureau Complaint log was received on November 18, 2002. The complaint log indicates that § 87(2)(b) called the 911 operator to report that her son was arrested for "no reason." That her son was in the building they live in and was arrested § 87(2)(a) 160.50, § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

The unidentified police "bumrushed" her son into a neighbors apartment and "body slammed" him. Her son received a cut to his head, has blood coming from his ear and received no medical attention. § 87(2)(b) stated that the officer who hit her son was a white male, approximately 6'2" tall and cleanshaven. The arresting officer was P.O. Michael Goldreyer. (Enclosure no. 5.)

#### *Internal Affairs Interview*

An interview of § 87(2)(b) was conducted by Dt. Mildred Cooper and Dt. Zachary Jackson of Internal Affairs Group 54 on November 7, 2002. A detailed discussion of the interview is presented in the "summary of complaint" section. (Enclosure no. 6.)

#### *Internal Affairs Bureau Photographs*

Close-up Polaroid photos were taken of § 87(2)(b) on the night of his arrest by detectives from the Internal Affairs Bureau. The photos taken were of his right ear, which reveals blood inside, of his wrists, which have scrapes and markings which appear to be from the handcuffs, as well as a photo of his forehead which has a scrape and some dried blood on it, possibly a scab. (Enclosure no. 7.)

#### **Bronx District Attorney Documents**

##### *Criminal Court Complaint*

§ 87(2)(a) 160.50

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

##### *District Attorney's Notes on Court Actions*

§ 87(2)(a) 160.50

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(a) 160.50  
[REDACTED]

§ 87(2)(a) 160.50  
[REDACTED]

§ 87(2)(a) 160.50  
[REDACTED]

§ 87(2)(a) 160.50  
[REDACTED]

**Conclusions and Recommendations**

The basic facts of this case are the following: On November 7, 2002 at approximately 1:30 a.m. on the § 87(2)(b) floor of § 87(2)(b) § 87(2)(b) was speaking with § 87(2)(b) outside of her § 87(2)(b) Police Officers Anthony Demonte and Michael Goldreyer, who had arrested him the week prior for drug possession at the same location, arrived on the floor and saw § 87(2)(b) Also known is that there was a scuffle between § 87(2)(b) and one of the two officers and that § 87(2)(b) was eventually handcuffed outside of the apartment by P.O. Demonte. § 87(2)(b) was removed to the lobby, where he spat his gum out on P.O. Demonte. § 87(2)(b) was charged § 87(2)(a) 160.50

§ 87(2)(g)  
[REDACTED]

§ 87(2)(g)  
[REDACTED]

§ 87(2)(g)

*A credibility analysis of* § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

*A credibility analysis of* § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

*A credibility analysis of witness officers P.O. Harold Thompson and P.O. Alex Otero*

§ 87(2)(g)

§ 87(2)(b), § 87(2)(g) P.O. Thompson stated that he and Sgt. Fackler arrived on the § 87(2)(b) floor and that he, P.O. Thompson, and the other officers were instructed by the sergeant to bring § 87(2)(b) down to the lobby. P.O. Otero, when questioned, stated that he was on the § 87(2)(b) floor and was also one of the officers who escorted § 87(2)(b) down to the lobby, however, he did not see P.O. Thompson or Sgt. Fackler until he arrived in the lobby where the two of them were located. He stated that he never saw them on the § 87(2)(b) floor. § 87(2)(b), § 87(2)(g)

*A credibility analysis of subject officer P.O. Michael Goldreyer*

§ 87(2)(b), § 87(2)(g)

P.O. Goldreyer stated that to his knowledge no force was used against § 87(2)(b) when he was handcuffed, nor at any point, he stated, was § 87(2)(b) on the ground, to his knowledge. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g) P.O. Goldreyer stated that while his partner was handcuffing § 87(2)(b) he was speaking with the witness § 87(2)(b) § 87(2)(b), § 87(2)(g)

§ 87(2)(g)

*A credibility analysis of P.O. Anthony Demonte*

§ 87(2)(b), § 87(2)(g)

*A credibility analysis of Sgt. Edward Fackler*

Sgt. Fackler was interviewed at the CCRB on two occasions May 16, 2003 and July 29, 2003.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

It has been documented through the IAB interview and photographs (enclosure nos. 6 and 7.), that § 87(2)(b) was bleeding from his right ear. The fact was also documented by both the Bronx Asst. District Attorney, § 87(2)(b) and the Legal Aid defense attorney, § 87(2)(b) (enclosure nos. 30 and 32 – investigative action 07.24.03). Also documented is the scab on § 87(2)(b)'s forehead and the minor handcuff-scratches on his wrists. In his initial IAB interview § 87(2)(b) also complained that his neck was hurting (enclosure no. 6). § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(g)

***Allegation A. P.O. Anthony Demonte entered § 87(2)(b) § 87(2)(b) in the Bronx.***

§ 87(2)(g)

§ 87(2)(b) who identified P.O. Demonte by name via his name plate and provided a detailed description of him – 6’4” tall with black hair, stated that it was P.O. Demonte who struggled with him at the door and then made the entry (enclosure no. 6 and 9). Independently, § 87(2)(b) who did not know P.O. Demonte by name and could only provide a visual description, stated that it was the tall, dark-haired, stocky officer who struggled with § 87(2)(b) at the door and then rushed into the apartment (enclosure no 10 and 11). P.O. Goldreyer, who claims to be the officer who entered the apartment, is 5’9” tall, weighs 140 lbs., has blonde hair and bears no resemblance to his partner. Furthermore, in P.O. Goldreyer’s initial statement to the Bronx District Attorney’s Office during the arraignment of § 87(2)(b) immediately following his arrest, P.O. Goldreyer stated that he, the, “arresting officer [was] informed by partner that he grabs defendant and pulls out of apartment” (enclosure no. 22). § 87(2)(g)

P.O. Anthony Demonte and P.O. Goldreyer both stated that upon seeing § 87(2)(b) on the § 87(2)(b) floor of § 87(2)(b) § 87(2)(b) attempted to flee into § 87(2)(b) apartment and “pushed” her out of the way to gain his entry. § 87(2)(g)

Yet, referring to Barry Kamins’ *New York State Search and Seizure*, the rubric of “hot pursuit” dictates that officers must have “probable cause to believe that the suspect has committed a crime.” § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

According to § 87(2)(b), § 87(2)(b) and § 87(2)(b) however, the officers did enter. In fact, according to their three independent statements – § 87(2)(g) – between four and six officers rushed into the apartment in an effort to take custody of § 87(2)(b) § 87(2)(b), § 87(2)(g)

Furthermore, § 87(2)(b) stated that preceding his entry into the apartment, P.O. Demonte addressed § 87(2)(b) by name and summoned him to him by stating repeatedly, “come here.” Instead, § 87(2)(b)

§ 87(2)(b) who was standing in the doorway said “For what?” § 87(2)(b)

It was following this exchange that, § 87(2)(b) turned his back on P.O. Demonte, entered the apartment and, as stated by both he and § 87(2)(b) was followed in and “grabbed” by P.O. Demonte (enclosure 9 and 10).

§ 87(2)(b), § 87(2)(g)

***Allegation B. P.O. Anthony Demonte used physical force against § 87(2)(b)***

§ 87(2)(g)

It is clear from the three statements provided by § 87(2)(b), § 87(2)(b) and the elderly § 87(2)(b) that there were multiple officers inside the apartment. § 87(2)(b) stated that he initially witnessed six uniformed officers walking down the building hallway (enclosure no. 9). § 87(2)(b) estimated that she saw approximately five uniformed officers inside her apartment (enclosure no. 10). And § 87(2)(b) stated that she saw four uniformed officers standing over § 87(2)(b) who was on the floor of her apartment and another two uniformed officers standing in the doorway (enclosure no. 12).

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b) stated that she had been standing in the front doorway when the four-to-five officers rushed inside to pursue § 87(2)(b). When they did so, she stated that she retreated into the kitchen, the next room over, from where she had no view of the bathroom hallway where § 87(2)(b) and the officers were situated. While she was unable to see what took place, § 87(2)(b) stated that she heard banging against the wall, feet scuffing on the floor, as well as § 87(2)(b) saying, “What did I do?” and “Get off of me.” She also heard the officers say, “Get the fuck up” and “You’re under arrest” (enclosure no. 10). In his interview, Sgt. Fackler stated that there had been an elderly woman at the scene but that they “left her out of it. She was frazzled as it was” (enclosure no. 16). The elderly woman, § 87(2)(b) stated that when she heard the noise outside of her bedroom door she went outside and saw in the hallway four uniformed officers standing over § 87(2)(b) who was on the floor” (enclosure no. 12). § 87(2)(b) also stated that when she saw the scene she was instructed by one of the officers to return to her bedroom.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

As cited in *Police Department vs. Gallagher* (OATH Case no. 2126/00) “a complainant’s verbal criticism at an officer” is not sufficient grounds for making an arrest even when the criticism included profane language. As stated in the case, “One of the reasons we expect police to be less sensitive to provocation according to the Supreme Court, is because ‘the freedom of individuals verbally to oppose or challenge police action without thereby risking arrest is one of the principal characteristics by which we distinguish a free nation from a police state (Houston, 482 U.S. at 462-63, 107S.Ct. at 2510)’” (enclosure no. A).

§ 87(2)(g), § 87(2)(b)  
OATH Judges have repeatedly found that, “where an arrest has been made in bad faith, the use of force incident to that arrest is, *a fortiori*, excessive. *Police Department v. Queally*, (OATH Index Nos. 1787-88/97)” (enclosure no. A). § 87(2)(g)

***Allegation C. P.O. Michael Goldreyer used physical force against § 87(2)(b)***

§ 87(2)(b), § 87(2)(g)  
Firstly, P.O. Goldreyer denied having any physical contact with § 87(2)(b) other than taking his arm and escorting him from § 87(2)(b) apartment. P.O. Goldreyer also denied assisting in any way with the handcuffing of § 87(2)(b) and stated that to his knowledge there was no force used to detain § 87(2)(b) and that § 87(2)(b) was never placed on the floor. § 87(2)(g)

Furthermore, as stated by § 87(2)(b) § 87(2)(g) while P.O. Goldreyer placed his knee on § 87(2)(b)'s neck he stated, “You punk mother fucker, don’t move. I’ll beat the shit out of you. I’ll beat your ass right now if you move.” § 87(2)(g)

OATH has established that when an arrest has been made in bad faith, “the use of force incident to that arrest is, *a fortiori*, excessive.” *Police Department vs. Queally*, OATH Index Nos. 1787-88/97 (enclosure no. A). § 87(2)(g)

***Allegation D. P.O. Michael Goldreyer threatened § 87(2)(b) with the use of force.***

§ 87(2)(b) stated in both his IAB interview and his CCRB interview that while he was on the ground with P.O. Goldreyer pressing his knee to § 87(2)(b)'s neck, P.O. Goldreyer stated, “You punk mother fucker, don’t move. I’ll beat the shit out of you. I’ll beat your ass right now if you move” (enclosure nos. 6 and 9). § 87(2)(b), § 87(2)(g)

***Allegation E. P.O. Anthony Demonte used a chokehold against § 87(2)(b)***

§ 87(2)(b) stated that after he was removed from the § 87(2)(b) apartment, he was handcuffed on the hallway floor and placed standing, with his back against the wall, facing outward toward P.O. Demonte. It was at this point, he said, that P.O. Demonte repeatedly pressed his elbow against his throat constricting his ability to breath (enclosure 9). P.O. Demonte § 87(2)(b), § 87(2)(g)

§ 87(2)(b) stated that § 87(2)(b) “lunged” out at him, hitting him in the chest and attempting to “get to” his face, necessitating him, P.O. Demonte, to push § 87(2)(b) back against the wall. In his CCRB interview, P.O. Demonte stated that he used his forearm and pressed it against § 87(2)(b)'s chest, at the midline point, and pushed him back against the wall, “I just pushed him back to the wall in order for him not to come at me” (enclosure no. 20). § 87(2)(b), § 87(2)(g)



§ 87(2)(b), § 87(2)(g)

§ 87(2)(b) provided the name of a witness to the chokehold incident. In his IAB interview, § 87(2)(b) stated that P.O. Otero, whom he identified by name, was present in the hallway and watched as P.O. Demonte pressed his elbow into his neck. § 87(2)(b) stated further that while P.O. Otero witnessed the incident, he just stood there and did not intercede (enclosure no. 6). When P.O. Otero was interviewed, he stated that at the time he arrived on the § 87(2)(b) floor, P.O. Demonte and P.O. Goldreyer were already escorting § 87(2)(b) handcuffed, down the hallway and at no point did he see § 87(2)(b) against the wall. § 87(2)(b), § 87(2)(g)

***Allegation F. Sgt. Edward Fackler searched § 87(2)(b) The Bronx, § 87(2)(b)***

§ 87(2)(g), § 87(2)(b)

***Allegation G. An officer threatened to notify the Housing Authority.***

§ 87(2)(g)

§ 87(2)(b) the grandmother of § 87(2)(b) stated that she was bothered by the manner with which the officers handled the situation. She stated that prior to searching her apartment for drugs, the officers had never asked her permission, they just entered, told her they were going to search and began searching. Similarly, she said, the officers instructed her granddaughter, § 87(2)(b) to press charges against § 87(2)(b) for breaking and entering (enclosure no. 12). During a second interview, § 87(2)(b) was informed that the officers said she had wanted to press charges against § 87(2)(b) #, § 87(2)(b) immediately rejected that account and stated that she, essentially, acquiesced to the officers threats and demands that she press the charges. As she stated, “Oh no. Okay, this is what happened. They threatened -- they told my grandmother that she could get kicked out. They told her that she could get kicked out because something about drugs and they could go to the housing court and get her kicked out. So I told them that he just came in this house on his own. He never came in this house on his own. I only said that so I would save my butt. You know what I’m saying. Trying to make a plea with them so they won’t – ‘cause my grandmother worries about stuff like that. I’m not gonna put her in a predicament like that so she can get kicked out.”

When questioned, Sgt. Fackler stated that he did speak with § 87(2)(b) about pressing charges -- he had asked her if she wanted to press charges and she stated to him that she did. Sgt. Fackler denied ever introducing the Housing Authority or the matter of eviction into their conversation. § 87(2)(b), § 87(2)(f)

§ 87(2)(b). Sgt. Fackler told § 87(2)(b) that he “understood her predicament” and told § 87(2)(b) the only way to prevent § 87(2)(b) from forcing his way into her apartment was to press charges, to show him that he did not have an “EasyPass” to enter her home whenever he saw fit (enclosure no. 17). Sgt. Fackler went on to say that he asked her, “You want to make a complaint against this guy or not. You know, we can only do our job as far as the good tenants of the building will let us. If you sign it, he’s gonna get the message that he’s not allowed in.” Sgt. Fackler stated that no one else was present for his conversation with § 87(2)(b) § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(g)

***Allegation H.** P.O. Michael Goldreyer provided a false official statement in violation of Patrol Guide Procedure 203-08 when he stated that he, not his partner P.O. Demonte, was the officer who approached § 87(2)(b) at the door of § 87(2)(b) apartment and that he, not his partner P.O. Demonte, was the officer to pull § 87(2)(b) from the apartment.*

§ 87(2)(g), § 87(2)(b)

On the night of § 87(2)(b)'s arrest, November 7, 2002, the arresting officer – identified on the District Attorney's case notes and on the online booking sheet as P.O. Goldreyer – appeared before the Bronx A.D.A. § 87(2)(b) to provide his account of the arrest. P.O. Goldreyer, identified both by name and physical description by § 87(2)(b) stated at the time that, "Arresting officer informed by partner that he grabs defendant and pulls out of apartment" (enclosure no. 22). According to this first account provided by P.O. Goldreyer, it is his partner P.O. Demonte who "grabs defendant" and pulls him out of the apartment. § 87(2)(b), § 87(2)(g)

§ 87(2)(b) who identified P.O. Demonte – the 6'0" heavily built, brown-haired officer – as the one who pursued § 87(2)(b) into the apartment. § 87(2)(g)

During his CCRB statement, P.O. Goldreyer stated, "I took about two steps into the apartment, took him by his arm and said § 87(2)(b) come out into the hallway. Took him out into the hallway. My partner then separated the two" (enclosure no. 23). § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: